

Senate Bill 353

By: Senators Walker of the 22nd and Powell of the 23rd

A BILL TO BE ENTITLED  
AN ACT

To amend an Act providing for the consolidation of Richmond County and the City of Augusta, approved March 27, 1995 (Ga. L. 1995, p. 3648), as amended, particularly by an Act approved April 8, 2002 (Ga. L. 2002, p. 3769), so as to provide for extending the terms of the current members of the Augusta, Georgia, Commission by one year, so that future elections for members of the commission shall be held in even-numbered years; to provide that this change shall be conditioned upon approval by the voters of Augusta, Georgia, at an election to be called and held for that purpose; to provide that in 2005 there shall be no municipal primary election; to provide for alternative procedures to be followed according to the will of the voters; to provide for related matters; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

An Act providing for the consolidation of Richmond County and the City of Augusta, approved March 27, 1995 (Ga. L. 1995, p. 3648), as amended, particularly by an Act approved April 8, 2002 (Ga. L. 2002, p. 3769), is amended by striking Section 3 and inserting in its place a new Section 3 to read as follows:

"SECTION 3.

(a) Those members of the commission who are serving as of the effective date of the 2005 amendment of this section and any person selected to fill a vacancy in any such office shall continue to serve until their terms expire as provided in either paragraph (1) or paragraph (2) of subsection (f) of this section.

(b) The mayor pro tempore shall be a member of the commission.

(c) Except as otherwise provided in this section, successors to members of the commission shall be elected at a general election to be held on the Tuesday following the first Monday

1 in November immediately preceding the expiration of their respective terms of office, shall  
2 be nominated and elected by plurality vote as provided in this section, shall take office on  
3 the first day of January immediately following the date of their election, and shall have  
4 terms of office of four years and until their respective successors are elected and qualified.  
5 Each member of the commission shall be elected by the electors residing within such  
6 member's commission district.

7 (d) The mayor who is serving as such when this section becomes effective in 2005 and  
8 any person selected to fill a vacancy in such office shall continue to serve until his or her  
9 regular term of office expires on December 31, 2006, and until his or her successor is  
10 elected and qualified. Each successor to the office of mayor shall be elected at a general  
11 election to be held on the Tuesday following the first Monday in November immediately  
12 preceding the expiration of a term of office, shall be nominated and elected by plurality  
13 vote as provided in this section, shall take office on the first day of January immediately  
14 following the date of the election, and shall have a term of office of four years and until a  
15 successor is elected and qualified. The mayor shall be elected on a county-wide basis by  
16 the electors of the entire county.

17 (e)(1) Except as otherwise provided in this section, all primaries and elections for the  
18 mayor and members of the commission shall be in accordance with the provisions of  
19 Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter  
20 amended. All primaries and elections for such offices shall be conducted on a nonpartisan  
21 basis and by plurality vote and candidates in any such primary or election shall not be  
22 listed on the ballot according to party affiliation. Any person who is a registered voter of  
23 Richmond County shall be eligible to vote in any election under this section.

24 (2) As used in this section, the term 'plurality' means the receipt by one candidate alone  
25 of the highest number of votes cast in a primary or election among the candidates for the  
26 same office provided that such candidate receives at least 45 percent of the total number  
27 of votes cast in such primary or election for such office. If two or more candidates tie in  
28 receiving the highest number of votes or no candidate receives 45 percent or more of the  
29 total number of votes cast for the office sought, there is no plurality. If no candidate  
30 receives a plurality of the votes cast in any such primary or election, there shall be a  
31 run-off primary or a run-off election.

32 (f) The terms of the members of the commission who are serving as such as of the  
33 effective date of the 2005 amendment of this section and any person selected to fill a  
34 vacancy in any such office shall expire as provided in either paragraph (1) or paragraph (2)  
35 of this subsection. If a majority of those voting at the election provided for in the 2005 Act  
36 amending this section vote in favor of extending the terms of the members, paragraph (1)  
37 of this subsection shall apply and otherwise paragraph (2) of this subsection shall apply:

1 (1) If the terms of the members serving in 2005 are so extended, then:

2 (A) Those members of the commission serving in Commission Districts 2, 4, 6, 8, and  
3 10 shall serve until December 31, 2008, and until their respective successors are elected  
4 and qualified; and their respective successors shall be elected from Commission  
5 Districts 2, 4, 6, 8, and 10 in the November, 2008, general election, shall take office on  
6 January 1, 2009, and shall have terms of office of four years each and until their  
7 respective successors are elected and qualified; and

8 (B) Those members of the commission serving in Commission Districts 1, 3, 5, 7, and  
9 9 shall serve until December 31, 2006, and until their respective successors are elected  
10 and qualified; and their respective successors shall be elected from Commission  
11 Districts 1, 3, 5, 7, and 9 in the November, 2006, general election, shall take office on  
12 January 1, 2007, and shall have terms of office of four years each and until their  
13 respective successors are elected and qualified; or

14 (2) If the terms of the members serving in 2005 are not so extended, then:

15 (A) Those members of the commission serving in Commission Districts 2, 4, 6, 8, and  
16 10 shall serve until December 31, 2007, and until their respective successors are elected  
17 and qualified; and their respective successors shall be elected from Commission  
18 Districts 2, 4, 6, 8, and 10 in the November, 2007, general election, shall take office on  
19 January 1, 2008, and shall have terms of office of four years each and until their  
20 respective successors are elected and qualified; and

21 (B) Those members of the commission serving in Commission Districts 1, 3, 5, 7, and  
22 9 shall serve until December 31, 2005, and until their respective successors are elected  
23 and qualified; and their respective successors shall be elected from Commission  
24 Districts 1, 3, 5, 7, and 9 at a special election without a special primary, such special  
25 election to be held on the Tuesday next following the first Monday in November, 2005,  
26 shall take office on January 1, 2006, and shall have terms of office of four years each  
27 and until their respective successors are elected and qualified. Such special election  
28 shall be nonpartisan and by plurality vote in the same manner as regular municipal  
29 elections.

30 (g) It is specifically provided that, in the year 2005 only, for the purpose of allowing the  
31 holding of the election provided for in the 2005 Act amending this section, there shall be  
32 no municipal primary election for members of the commission. If paragraph (1) of  
33 subsection (f) of this section applies, there shall be no election of commission members at  
34 all in 2005. If paragraph (2) of subsection (f) of this section applies, the election of  
35 commission members in 2005 shall be by special election without a primary, as provided  
36 in that paragraph."

**SECTION 2.**

Said Act is further amended by striking subsection (c) of Section 4 and inserting in its place a new subsection to read as follows:

"(c) At its first regular meeting in January of each year following the year in which a regular election is held, the commission shall organize itself. The mayor and the mayor pro tempore shall recommend to the commission the appointment of such committees as they deem appropriate and the proposed membership thereof. If the mayor and the mayor pro tempore disagree on proposed appointments, the commission shall determine such appointments. All committees and the membership thereof shall be created, abolished, and appointed as directed by the commission. The mayor shall not have the right to vote on the appointment of any member to a committee. The mayor shall not be a voting member of any committee established by the commission and appointed by the mayor pro tempore."

**SECTION 3.**

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Augusta, Georgia, shall call and conduct an election as provided in this section for the purpose of submitting to the electors of Augusta, Georgia, for approval or rejection the proposition of whether the terms of the members of the Augusta, Georgia, commission then in office shall be extended by one year. The election superintendent shall conduct that election on either the third Tuesday in June of 2005 or the third Tuesday in September of 2005; and all officials of Augusta, Georgia, shall take all appropriate actions in an effort to allow such election to be held on the earlier of those two dates. The election superintendent shall issue the call and conduct the election as provided by general law. The election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Richmond County. The ballot shall have written or printed thereon the words:

"( ) YES Shall the terms of office of the current members of the Augusta, Georgia, commission be extended for one year, so that future elections for ( ) NO commissioners shall be held in even-numbered years?"

All persons desiring to vote for approval shall vote "Yes," and all persons desiring to vote for rejection shall vote "No." If more than one-half of the votes cast on such question are for approval, then the terms of the members then in office shall be extended by one year as contemplated by this Act. The expense of such election shall be borne by Augusta, Georgia. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

**SECTION 4.**

The governing authority of Augusta, Georgia, shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 30 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

**SECTION 5.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

**SECTION 6.**

All laws and parts of laws in conflict with this Act are repealed.